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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,454	11/15/2000	Erling R. Anderson	SP00-037	3395

7590  
Corning Incorporated  
SP TI 03 I  
Corning, NY 14831

12/17/2003

EXAMINER
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NGUYEN, TU T

ART UNIT	PAPER NUMBER
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2877

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/713,454

Applicant(s)

ANDERSON ET AL.

Examiner

Tu T. Nguyen

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 28-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 and 48-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6-9. 6) ☐ Other:

Detailed Office Action

***Election/Restriction***

Applicant's election with traverse of group I (claims 1-27,48-52) in Paper No. 11 is acknowledged. The traversal is on the ground(s) that inventions are not independent and distinct from one another and that the proposed inventions are inextricably intervened. This is not found persuasive because the system with conveyers for conveying and preparing optical fiber (group I) does not need the particular pallet & spool of group II. The group II has separate utility such as a pallet for mounting a spool & spool for winding wiring.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuoka et al (5,253,035) in view of Bloom (5,871,559) or Nicholls (WO 91/13837).**

With respect to claims 1,15-16, Fukuoka discloses a system for automating the testing of an optical fiber. The system comprises: at least one automated test station (haul-in unit,

abstract) adapted to guide a first end of the optical fiber for testing (abstract).

Fukuoka does not disclose an automated conveyor system. Bloom discloses a conveyor system 74 (fig 2 or abstract) or Nicholls discloses a robot (fig 1B) for conveying the fiber. It would have been obvious to modify Fukuoka with Bloom or Nicholls' conveyor to transport the test fiber to different testing systems easier.

With respect to claims 2-5,8-9,19,25 Nicholls discloses systems for stripping, cleaving, cleaning the fiber end (abstract).

With respect to claims 6,13,20, the claimed system for acquiring a sample length would have been known. It would have been obvious to modify Fukuoka with the known system for acquiring the sample length to test different characteristics of the fiber.

With respect to claim 7, refer to discussion in claims 1-5 above. Further, Nicholls discloses a spool 3 (fig 1A) which the optical fiber is wound.

With respect to claims 10,17-18, Fukuoka discloses using an OTDR (fig 6) for testing the fiber.

With respect to claims 11-12, the claimed system for measuring the optical dispersion of the fiber or a pallet or RF tag device would have been known. It would have been obvious to modify Fukuoka with the known claimed limitations to test different characteristics of the

fiber and to facilitate the testing.

With respect to claim 14, refer to discussion in claims 1-5 above for the system. It would have been obvious to modify Fukuoka's system with different setups or modify Fukuoka's system to perform a plurality of tests for different testing requirements.

With respect to claims 21-23,26, the claimed limitations would have been known. It would have been obvious to modify Fukuoka with the claimed limitations to facilitate the testing.

With respect to claim 24, refer to discussion in claim 1 above for the testing system and claim 6 for acquiring the fiber.

With respect to claim 27, refer to discussion in claim 1 for the conveyor.

**Claims 48-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuoka et al (5,253,035) in view of Bloom (5,871,559) or Nicholls (WO 91/13837) and Kinoshita et al (5,394,606).**

With respect 48, Fukuoka does not explicitly disclose testing a fiber wound onto the spool. Kinoshita discloses testing a fiber wound onto the spool 19 (fig 1). It would have been obvious to modify Fukuoka with Kinoshita to test a long fiber easier.

With respect to claims 49-51, the claimed limitations would have been obvious in view of fig 1 of Kinoshita.

With respect to claim 52, refer to discussion in claim 1 above for the testing and transporting system, claim 2 for cutting system and claim 48 for the spool.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu T Nguyen whose telephone number is (703) 306-9185. The examiner can normally be reached on T-F 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G Font can be reached on (703) 308-4881. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



**Tu T. Nguyen**  
**Primary Examiner**  
**Group Art Unit 2877**

12/13/03